

HOUSE BILL 1753

By Calfee

AN ACT to amend Tennessee Code Annotated, Section
55-3-126, relative to motor vehicle liens.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-3-126(f), is amended by deleting subdivision (1) and by substituting instead the following:

(1) When a manufacturer's statement of origin or an existing certificate of title on a motor vehicle is unavailable, a first lienholder or the first lienholder's designee may file an application for motor vehicle temporary lien with the secretary of state. The filing fee for each application for motor vehicle temporary lien is ten dollars (\$10.00). The filing of an application for motor vehicle temporary lien shall constitute constructive notice of the lien against the motor vehicle as described to creditors of the owner, subsequent purchasers and encumbrancers, except liens as are by law dependent upon possession.

SECTION 2. Tennessee Code Annotated, Section 55-3-126(f), is amended by deleting subdivision (2) and by substituting instead the following:

(2) The constructive notice shall be effective from the time of the filing of the application for motor vehicle temporary lien as authorized in this subsection (f); provided, that the filing of a lien under this section by the lienholder and the payment of the fee shall in no way relieve any person of the obligation of paying the fee now required by law for filing a lien to be evidenced on a certificate of title of a motor vehicle.

SECTION 3. Tennessee Code Annotated, Section 55-3-126(f), is amended by deleting subdivision (5) and by substituting instead the following:

(5) The application for motor vehicle temporary lien shall be accompanied by the required filing fee, shall be on a form designed by the secretary of state, and shall contain the following information:

- (A) Name and address of each debtor;
- (B) Name and address of the first lienholder;
- (C) Vehicle Identification Number of the motor vehicle;
- (D) The date the instrument creating the lien was executed;
- (E) The name, address and telephone number of the submitter;
- (F) The name and address to whom acknowledgement of filing should be sent if other than the submitter; and
- (G) Any other information that the secretary of state deems necessary for the administration of this part.

SECTION 4. Tennessee Code Annotated, Section 55-3-126(f), is amended by adding the following as new, appropriately designated subdivisions:

() The lienholder listed on an application for motor vehicle temporary lien may correct the application filed with the secretary of state if the application contains an incorrect statement by filing articles of correction. The application shall be corrected in a manner established by the secretary of state and on a form designed by the secretary of state. The articles of correction shall provide the registration number of the application to be corrected. The filing fee to file articles of correction shall be ten dollars (\$10.00). The articles of correction are effective on the effective time and date of the application they correct except as to persons relying on the uncorrected application and adversely affected by the correction. As to those persons, the effective date is the date the articles of correction are filed.

() In addition to the fees authorized in this subsection (f), the secretary of state is authorized to charge an online transaction fee to cover costs associated with

processing payments for an application for motor vehicle temporary lien, articles of correction, and certificate requests submitted online.

() An application for motor vehicle temporary lien and articles of correction shall be rejected if they contain information that the secretary of state is unable to read or decipher.

SECTION 5. For purposes of promulgating rules and making necessary provisions for the implementation of this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect November 1, 2014, the public welfare requiring it.